20 Rs COURT FEE भारत INDIA बीस रुपये TWENTY RUPEES CANCELLED

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO.1492 OF 2003.

1. Laxmi Narayan Pandey S/O Sri.Gangaram Pandey, aged about 40 years,Upper Division Teacher in Govt. High School at Pirda,Block Pithaora,resident of Village Garhphuljhar Via Basna,Dist.Mahasamund, (C.G.)

2. Ghansuram Sahu S/O Sri.Siraman Sahu,age about 48 years,Upper Division Teacher in Govt. Higher Seconday School Jhalap,Bloak Mahasamund,resident of village Ghonch Via Pithaora,District Mahasamund(C.G.)

3. Hemaram Chandrakar S/O Sri.Bhukhan Lal, aged about 51 years,Upper Division Teacher in Govt. Middle School Haghibahara,Block Bagbahara,resident of Village Ghuchapali, P.O.Bagbahara,District Mahasamund(C.G.)

4. Babulal Rana S/O Sri.Sakirtan Rana, aged about 42 years,Upper Division Teacher in Govt. Higher Secondary School Garhphulghar, Block Basana,resident of village Toshgaon, Tehsil Saraypali,District Mahasamund(C.G.)

5. Aksay Kumar Pradhan S/O Sri.Sadan Pradhan, aged about 43 years, Upper Division Teacher in Govt. Higher Secondary School Pithaora, resident of Village Kisanpur,Via Pithaora, District Mahasamund (C.G.)

6. Prafulla Kumar Pradhan S/O Sri.Narayan Pradhan,aged about 43 years, Upper Division Teacher in Govt. Higher Secondary School Pekin,Block Saraypali,resident of Toshgaon, District Mahasamund (C.G.)

7. Vimal Kumar Mannadey S/O Sri.Subhanikram aged about 36 years,Upper Division Teacher Govt. Higher Secondary School Jhalap,resident of Ghondari,P.O.Paragaon, District Mahasamund (C.G.)

P. R. No. 3161/03
Presented by Shri A.K. Prasad
dated 01.05.03

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8. Upendra Baghel S/O Sri.Sakirtan Baghel, aged about 35 years,Upper Division Teacher in Govt. Middle School Gadbeda,Block Pithaora,resident of Ram Sagarpara Pithaora, District Mahasamund(C.G.)

...... **PETITIONERS**

VS

1. State of Chattisgarh, through the Secretary School Education Department, Mantralaya,Raipur (M.P.)

2. District Education Officer,Mahasaumd, District Mahasamund (C.G.)

...... **RESPONDENTS**

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, FOR ISSUEANCE OF WRITS IN THE NATURE OF CERTIORARI, MANDAMUS AND/OR ANYOTHER WRIT,ORDER OR DIRECTIONS:

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1482 OF 2003

Petitioners : Laxmi Narayan Pandey and others

versus

Respondents : State of Chhattisgarh and another

Present : Mr. A.K.Prasad, counsel for the petitioners.
Mr. Sushil Dubey, Government Advocate for the respondents/State.

ORDER

(Passed on 27th of November, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision dated 7-7-1999 (Annexure P-12) rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.439 of 1997 (*Chandrika Prasad Pandey and another vs. State of M.P. and others*) and Original Application No.2283 of 1998 (*M.P. Shikshak Sangh Branch Distt. Narsinghpur vs. State of M.P. and three others*).

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 9-10-2006 passed by this Court in Writ Petition (S.) No.5473 of 2006 (*Rakesh Kumar Sharma and another vs. State of Chhattisgarh and others*) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 7-7-1999 (Annexure P-12), allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 7-7-1999 (Annexure P-12), to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this

Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 7-7-1999 (Annexure P-12) passed by the learned State Administrative Tribunal in Original Application No.439 of 1997, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.439 of 1997, then they be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal